

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) 753 OF 2021

(Sudhakar Mahakali Bolle (Bolla)..vs.. State, thr PSO, PS Sironcha, Dist. Gadchiroli)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. R.R. Vyas, counsel for applicant.
Mr. M.K. Pathan, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:20.08.2021.

Heard.

2. The applicant is arraigned as accused 3 in connection with Crime 175/2020, registered with Police Station, Sironcha, for offences punishable under sections 302, 376-A, 120-B read with section 34 of Indian Penal Code.

3. The prosecution case is that accused 1 Smt. Rajakka suspected that her mother-in-law and her husband were in illicit relationship. She took the assistance of the co-accused to do away her mother-in-law. Pursuant to the conspiracy, accused 2 to 4 throttled the mother-in-law of accused 1, to death.

4. Accused 1 Smt. Rajakka and accused 4 Rajesh Komari are released on bail by this Court.

5. Incriminating circumstances which according to the learned APP Mr. M.K. Pathan establish such chain of circumstances as would exclude every hypothesis other than guilt are:

- (i) recovery of ₹ 40,000/- from the applicant;
- (ii) CDR which show that applicant was in touch with the co-accused;
- (iii) statements of witnesses who vouch for the fact that the applicant was seen in the village on the fateful night; and
- (iv) the fact that one finger of the applicant shows bite marks.

6. The recovery of ₹ 40,000/- would be of assistance only if the amount is linked with the crime, and at this stage, nothing is shown to me to prima facie hold so. The alleged contact with the co-accused and the presence of

the applicant in the village may be relevant circumstances subject to the quantity and quality of evidence which emerges during the trial and the fact that the applicant was bitten on the finger, alleged by the deceased who resisted the assault, may or may not be relevant and would be subject to production of such scientific and medical evidence as would establish that the teeth marks are that of the deceased.

7. Be that as it may, considering that the accused who had the motive and who allegedly hatched the conspiracy is released on bail and that the case of the applicant is broadly similarly placed as that of the other co-accused Rajesh Komari who is granted bail, a case for bail is made out.

8. Needless to state that every observation made is for the limited purpose of deciding entitlement of bail and shall not influence the trial judge either way.

9. The application is allowed subject to the

following conditions:

(i) The applicant be released on bail in connection with Crime 175/2020, registered with Police Station, Sironcha, for offences punishable under sections 302, 376-A, 120-B read with section 34 of Indian Penal Code, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount;

(ii) The applicant shall not enter the territorial limits of Police Station Sironcha except to attend the Court hearings, till the conclusion of the trial.

(iii) The applicant shall not make any attempt to contact or otherwise influence any witness;

(iv) The applicant shall not leave the country without the permission of the jurisdictional Court.

Judge